

This record is a partial extract of the original cable. The full text of the original cable is not available.

C O N F I D E N T I A L SECTION 01 OF 02 ALGIERS 001853

SIPDIS

E.O. 12958: DECL: 08/30/2015

TAGS: [MARR](#) [PREL](#) [PGOV](#) [AG](#) [SOFA](#)

SUBJECT: ALGERIA DECLINES OFFER OF DELEGATION TO DISCUSS  
SOFA

REF: A. ALGIERS 1804

1B. STATE 158268 (NOTAL)

Classified By: Ambassador Richard W. Erdman,  
for reasons 1.4 (b)(d)

SUMMARY

11. (C) Ambassador, accompanied by Pol/Econ Chief, called on MFA Americas Director Chikhi August 30 to press the need for SOFA protections for U.S. personnel involved in exercises in Algeria and to seek clarification on the issue of a SOFA team visit in September. Chikhi doggedly adhered to the language of the Ministry's recent note (Ref A) rejecting a SOFA on sovereignty and constitutional grounds and, when asked directly, said the GOA was not prepared to receive a visit by a SOFA team in September. Ambassador stressed the need for SOFA protections for U.S. personnel participating in mutually agreed joint exercises and said if a general SOFA would not be possible at this time, we then needed SOFA protections, exercise by exercise. Chikhi seemed to suggest this might be possible. Ambassador will seek greater clarity on this point from Foreign Minister Bedjaoui in their next meeting. We suspect the more negative tone reflects input from former FM Belkhadem, currently a Minister of State, who had an icy conversation concerning a SOFA with the previous ambassador in 2002. We should also continue to work this issue with the Algerian military, which has the greatest stake in seeing joint exercises go forward and make a SOFA a continuing agenda item in the Joint Military Dialogue. (End summary)

SOFA TEAM VISIT WAS TO DISCUSS,  
NOT NEGOTIATE, A SOFA AGREEMENT

12. (C) Ambassador, during August 30 call on other issues, pressed hard on the need for SOFA protections for U.S. personnel involved in exercises in Algeria and sought clarification on the issue of a SOFA team visit. He said we had received the Ministry's diplomatic note explaining that a SOFA would contravene Algeria's sovereignty and Constitution. The purpose of a SOFA team visit was not to negotiate a SOFA, Ambassador stressed, but to discuss what a SOFA entailed and to address and assure the GOA on precisely the kind of sovereignty concerns it had raised. Furthermore, the issue at hand was not a permanent troop presence or bases, but SOFA protections for personnel engaged in periodic military exercises that were increasingly in our two countries' mutual interest and benefit.

"SOFA WOULD CONTRAVENE SOVEREIGNTY"

13. (C) Chikhi predictably stuck closely to the mantra of the diplomatic note, simply repeating that a SOFA would contravene Algeria's sovereignty, its Constitution, and its laws. Algeria was striving to establish rule of law and could not be asked to violate its own laws. The Vienna Convention contained no such provisions extending immunities to military personnel. He said Algeria's position had been made very clear in a diplomatic note to the Embassy in 2002 (Number 405/DGAM/2202) and that Algeria could under no circumstances accept a permanent military presence on its soil. (Comment: Embassy Algiers does not have a copy of this 2002 note in its files and the MFA has also sheepishly acknowledged to us that it cannot locate a copy either!) There was no need for a SOFA team, he said, because the issue had already been discussed in 2002.

WE HOPED ALGERIAN SIDE WOULD HEAR  
US OUT BEFORE TAKING A DECISION

14. (C) The Ambassador replied that so far as he was aware, the 2002 discussion had been between the Ambassador and then FM Belkhadem. There had been no team of SOFA experts and no opportunity to provide background on SOFA agreements and issues that might have allayed Algerian concerns. The purpose of the proposed team visit, which had been discussed positively both in Washington and subsequently in Ambassador's meeting with Foreign Minister Bedjaoui, was not to negotiate but to discuss. We had hoped that before taking

a decision, the Algerian side would at least hear us out. Extending Vienna Convention-like protections to military personnel engaged in mutually beneficial joint exercises should be viewed as an exercise of sovereignty, not a violation of sovereignty.

15. (C) We understood and respected Algeria's unique history and its sensitivity toward the idea of a permanent troop presence, Ambassador said. But at issue here was not bases, but the ability to carry out joint exercises, which were of increasing importance to Algeria, given developments in the region. As for the 2002 note, this was 2005, not 2002. Much had changed both in our relations and in the region in the meantime, including our counterterrorism cooperation, especially in the Sahel. Chikhi agreed that bilateral cooperation had expanded since 2002, adding that Algeria was very pleased with the relationship it currently enjoyed with the United States.

CHIKHI IMPLIES GOA READY TO  
CONSIDER CASE-BY-CASE PROTECTIONS  
-----

16. (C) The problem, Ambassador continued, was that U.S. military personnel would not be able to participate in joint exercises with Algerian troops in Algeria without SOFA-type protections. At a minimum, we would need an agreement for each military exercise, although this would be less efficient and more work for all of us than a general SOFA that covered all mutually agreed exercises. Chikhi implied the GOA would consider a case-by-case approach. (Comment: Ambassador will press for greater clarity on this point in his next meeting with FM Bedjaoui.)

GOA NOT PREPARED TO RECEIVE SOFA TEAM  
-----

17. (C) Returning to the issue of a SOFA team visit, Ambassador said the MFA note had addressed the issue of a SOFA but had not addressed explicitly the idea of a SOFA team visit to discuss what a SOFA actually entailed. Would the GOA be prepared to receive such a team? Chikhi confirmed the GOA did not want a SOFA team to come, reiterating that Algeria takes its sovereignty seriously. Ambassador concluded by noting that the U.S. had much experience in how such arrangements function, whereas Algeria had none. It would have been useful to have had an opportunity to share these experiences with Algeria before reaching decisions on this important issue.

COMMENT/RECOMMENDATION  
-----

18. (C) The proposal for a SOFA, made in 2002 to then Foreign Minister Belkhadem by then-Ambassador Sandersen, was the occasion for an icy exchange. We suspect that the very different tone of the current negative response, compared to FM Bedjaoui's initially favorable reaction to a SOFA team visit, reflects input from Belkhadem, who may have been consulted as new MFA players looked into the history of the issue. In any case, we are where we are and the aversion to the notion or suggestion of permanent basing or a permanent troop presence is very real, given Algeria's colonial experience with France, and will not go away anytime soon. Our best bet will be to keep pressing the idea that we are talking about SOFA protections for joint exercises, where they have clear interests at stake, and that at a minimum we will need case-by-case SOFA protections in order to engage in such exercises with Algeria.

19. (C) Ambassador will seek a clearer commitment on this point in his next meeting with FM Bedjaoui. That said, until the Algerians get more used to doing business with us -- and they have a long way to go -- they may well be skittish about moving beyond the kind of oral assurance Bedjaoui gave us for the Flintlock Exercise earlier this year. Since the Algerian military has the greatest stake in seeing joint exercises go forward, we should also focus our efforts on that institution and make SOFA protections a continuing part of our Joint Military Dialogue agenda.

ERDMAN